



PHARE PROGRAMME TWINNING PROJECT NO. LV/2002/IB/OT-01  
**DATA STATE INSPECTION**

**Document 16**

**Activity 2.2**  
**Manual on the Notification of Automatic Personal Data**  
**Processing Operation**

written by  
***Dr. Tino Naumann***

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**Ludwig Boltzmann Institut für Menschenrechte**  
**Mandated Body**



**DATU VALSTS INSPEKCIJA**

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# **Manual on the Notification of Automatic Personal Data Processing Operation**

According to section 21 of the PDP Law public and private bodies shall notify before carrying out any wholly or partly automatic personal data processing operation, such with the Data Supervisor.

Personal data processing is any operation carried out regarding personal data, including data collection, registration, recording, storing, arrangement, transformation, utilisation, transfer, transmission and dissemination, blockage or erasure (section 2 para 4 PDP Law).

Wholly or partly automatic personal data processing means processing accomplished by the use of an electronic data processing system (computer and software) by means of program control.

An automated operation is the entirety of the individual automated processing with a certain intended purpose.

According to section 21 para 3 the duty to notify does not apply if

- The controller processes personal data for his own purposes, provided that a maximum of twenty employees are concerned with the processing of personal data, and either consent has been obtained from the data subject, or the processing serves the purposes of a contract or a quasi-contractual fiduciary relationship with the data subject.
- Processing operations refer to staff administration, bookkeeping or accounting only.
- The sole purpose of the processing operations is the keeping of a register which according to laws or statutory orders, charters or bylaws is intended to provide information to the public and which is open to consultation either by the public in general or by any person demonstrating a legitimate interest.

- The data are already published in accordance with the law, or they are taken from public registers.
- Processing is carried out in the course of its legitimate activities and for purposes specified by bylaws by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members of the body
- The controller has appointed a data protection official.

According to section 21 para 4 there might be further regulations regarding exemptions from the notification requirement of data processing operations.

The Data Supervisor examines the notification with regard to the observance of personal data protection provisions and administers the register of personal data processing operations. The obligation to notify does not release the controller from any of the other obligations resulting from the PDP law.

The Data Supervisor decides whether a personal data processing operation is registered. Where this is the case, he issues a certificate of registration to the system controller. Otherwise, the data processing operation is prohibited.

Any changes or amendments of information referred to in paragraph 1 shall be notified to the Data Supervisor as soon as possible.

Use the attached form for the notification of automatic personal data processing operation.

# Application for Personal Data Processing System Registration

Data State Inspectorate  
Kr.Barona street 5-4,  
Rīga, LV-1050  
Tel: +371 7814491, +371  
7223131  
Fax: +371 7223556  
e-mail: [info@dvi.gov.lv](mailto:info@dvi.gov.lv)  
web: [www.dvi.gov.lv](http://www.dvi.gov.lv)

## Important:

- Fill out empty columns with NO;
- Please fill out all entries of this application;
- If necessary, use additional attachments;
- Data entered into this application will be used by Data State Inspectorate in order to ensure its assigned duties that are provided for in Personal Data Protection Law.

<b>1. Title of the System</b> Title of the systems is a title provided by the system controller or the system title determined by legal acts that utmost precisely indicates the purpose of personal data processing system.	Title  _____  _____  _____
<b>2. Controller</b> 'Controller' means the public or private body which processes personal data. Supply a precise title (name) of a legal person or name and surname for a natural person as well as their address. Please tick if legal/natural person and public/private body.	Title or name, surname  _____  Address  _____  _____  legal person <input type="checkbox"/> natural person <input type="checkbox"/> public body <input type="checkbox"/> private body <input type="checkbox"/>
<b>3. Representative</b> 'Representative' means owner, managing board, managing director or other lawfully or constitutionally appointed manager.	Name, surname, position  _____  Contact information (telephone, fax, e-mail address)

<p><b>4. Duration of Personal Data Processing</b></p> <p>Please enter the estimated date of the beginning and the ending of the personal data processing.</p>	<p>Beginning: _____</p> <p>Ending: _____</p>
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<p><b>5. Contact Person on System Registration Issues</b></p> <p>Please enter the person placed in charge of data processing. This person will not appear in the publicly accessible section of the integrated system register.</p>	<p>Name, surname, position</p> <p>_____</p> <p>Contact information (telephone, fax, e-mail address)</p> <p>_____</p>
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<p><b>6. Legal Basis for Operation of Personal Data Processing System</b></p> <p>If the legal basis for the operation of personal data processing system is section 7 para 3 of Personal Data Protection Law, it is mandatory to indicate which sections of which legal acts permit data processing and envisage or determine the duties of a system controller.</p>	<p>Personal Data Protection Law section 5 <input type="checkbox"/></p> <p>Personal Data Protection Law, section 7:</p> <p><input type="checkbox"/> para 1; <input type="checkbox"/> para 2; <input type="checkbox"/> para 3*; <input type="checkbox"/> para 4;</p> <p><input type="checkbox"/> para 5; <input type="checkbox"/> para 6.</p> <p>*) specific laws:</p> <p>_____</p> <p>_____</p> <p>_____</p>
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<p><b>7. The purpose for personal data processing</b></p> <p>The purpose for personal data processing means your intention of personal data processing (e.g. wage and salary administration). Indicate the specific and overall purpose for personal data processing.</p>	<p>Personal data is processed for:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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<b>8. The Categories of Data Subjects and the Type of Personal Data</b> The data subject - a natural person who may be directly or indirectly identified. For example employees, patients, clients, providers. Indicate all the related types of personal data (e.g. dates of registration) that will be included in the system.	Categories of data subjects	Type of personal data
	<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>

<b>9. Recipient Categories of Personal Data</b> Indicate those natural or legal persons, which can receive information from the personal data processing system. For example, data subject about himself, controlling state institutions, providers, credit institutions, system controller employees, etc.	Title
	<hr/> <hr/> <hr/> <hr/> <hr/>

<b>10. Transfer of Personal Data to Third States</b> If personal data is transferred to states outside the E.U., indicate separately for each specific state: name of the state, recipient of personal data to be transferred, type of personal data.	State	Recipient	Type of personal data
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>

<b>11. Standard Periods of Erasure of Data</b> To avoid the unlawful storing of no longer needed data it is mandatory to erase them automatically in a certain period.	Type of personal data	Period
	<hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/>

## Technical and Organizational Measures Ensuring the Protection of Personal Data

The data below will not appear in the publicly accessible section of the integrated system register.

### 12. Administrative Measures

Indicate the documents or measures that have been introduced.

Consider Republic of Latvia Cabinet of Ministers Regulations No 25 'Rules for the accreditation of auditors of personal data processing systems of state and municipal institutions' and No 40 'Obligatory technical and organizational requirements for protection of personal data processing systems'.

Has the annual internal audit of personal data processing system been carried out? Date: \_\_\_\_\_

Has there been an external audit of personal data processing systems within the last 3 years carried out? Date: \_\_\_\_\_

Are standards of personal data security introduced:

LVS ISO/IEC 17799;

LVS ISO/IEC 15408;

others \_\_\_\_\_

Have internal data processing system protection provisions been elaborated? If so please attach.

Is there a confidentiality control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

Is there an integrity control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

Is there an availability control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

Is there an authenticity control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

Is there a traceability control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

Is there a transparency control and if so how is it exercised?  
\_\_\_\_\_  
\_\_\_\_\_

## Attestation/ Confirmation

The data below will not appear in the publicly accessible section of the integrated system register.

To my best knowledge (conviction) and belief, I hereby attest that all information and data I have submitted to the officials of Data State Inspectorate and provided in the registration application form are true, thorough and complete, and bear neither error nor inaccuracies that may lead to consequential delusion. I hereby confirm that I am entitled to act on behalf of the system controller.

Signature

\_\_\_\_\_

Name, surname

\_\_\_\_\_

Position

\_\_\_\_\_

Date

\_\_\_\_\_

Seal:

### Note:

1. According to Article 21a, Section 2 of the Personal Data Protection Law, prior to changes being made to the information or in technical and organizational means for protection of the personal data processing system, they shall be registered in Data State Inspectorate, and prior to making amendments to the personal data processing system, such amendments have to be filed with Data State Inspection within one year.

2. According to the Administrative Offences Law, Articles 204<sup>9</sup> and 204<sup>10</sup>, failing to register the data processing system in Data State Inspectorate, and failing to submit information provided for by law to Data State Inspection, administrative liability is foreseen.

3. According to the Criminal Law, Article 272, a person who fails submitting timely provision on requested information to a State institution authorized by law to request information, if commission thereof is repeated within a one-year period, is subject to criminal liability.